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Attorney for Plaintiffs

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

JAMES ARMSTRONG, et al.,

Plaintiffs,

vs.

CITY AND COUNTY OF SAN
 FRANCISCO and DOES 1-50
 INCLUSIVE

Defendant.

CONNIE L. BROWN

Plaintiff,

vs.

CITY AND COUNTY OF SAN
 FRANCISCO, et al.

Defendant.

Case No. C01-2611 VRW

(Case No. C04-1536 VRW)

**STIPULATION AND ~~PROPOSED~~
 ORDER**

Action Filed: July 9, 2001

Trial Date: None Set

1 Due to the nature and complexity of this case, *Armstrong* action [C01-2611 VRW] and
2 the *Brown* action [C04-1536 VRW], the similarity of facts, witnesses and legal issues in the
3 *Armstrong* and *Brown* action and the overlapping discovery, at the Joint Case Management
4 Conference, before the Hon. Vaughn R. Walker, the parties agreed to utilize the same discovery
5 for both cases. Additionally, the parties stipulated to have expert discovery commence after the
6 hearing on the motion for summary judgment.

7 The parties now seek a continuance for the following reasons: Since the case was
8 reassigned to DCA Michael Leon Guerrero in late October 2007, defense counsel has reviewed
9 the voluminous documents, files, pleadings, and discovery in order to take the depositions of the
10 two remaining plaintiffs, Rhueben Johnson and Connie Brown. (Plaintiff's allegations of
11 discrimination potentially span back prior to 1998.) Defense counsel took full-day depositions of
12 plaintiffs in February and March. The parties have also engaged in renewed settlement
13 discussions in early 2008. However, due to the age of the case and alleged period of liability,
14 more deposition time is potentially required of plaintiffs, which plaintiff's counsel stipulates to
15 provide. Additionally, plaintiff's counsel intends to take the depositions of ten current and
16 former City employees, as well as re-serve what he believes to several sets of outstanding
17 discovery. Currently, non-expert discovery closed on March 13, 2008. The parties believe that
18 completion of written discovery and depositions may facilitate the mediation with Magistrate
19 Judge Elena James (who settled cases of 16 of the 18 plaintiffs), which is currently scheduled for
20 April 1, 2008.

21 As a result, the parties request the discovery cut-off, hearing of dispositive motions, and
22 expert discovery be continued as follows:

23 **IT IS HEREBY STIPULATED** by and between the parties hereto, through their
24 respective counsel as undersigned, that:

25 1. The non-expert discovery completion date be continued from the current deadline
26 of March 13, 2008 to June 13, 2008;

27 2. The court shall re-schedule the settlement conference from April 1, 2008 to a date
28 after June 13, 2008 and on or before July 18, 2008;

3. The hearing for dispositive motions, including summary judgment, shall be continued from May 22, 2008 at 2:30 p.m. to August 21, 2008 at 2:30;

4. Expert discovery disclosure reports to be exchanged within 20 days after the hearing on summary judgment; expert discovery rebuttal completion date to be within two weeks of the disclosure date. Expert discovery to close 45 days after expert disclosures;

5. Pre-trial conference be continued from the currently scheduled date of August 14, 2008 to October 16, 2008 at 3:30 p.m.

Dated: March 17, 2008

Respectfully submitted,

DENNIS J. HERRERA
City Attorney

By: /s/Michael J. Leon Guerrero
MICHAEL J. LEON GUERRERO
Deputy City Attorney
Attorneys for Defendants

Dated: March 17, 2008

By: /s/Paul J. Smoot
PAUL J. SMOOT
Attorney for Plaintiffs

IT IS SO ORDERED :

Dated: March 18, 2008

